

7TH BIENNIAL REPORT TO THE LEGISLATURE
Department of Labor & Economic Growth
State Survey & Remonumentation Section

July 01, 2003 - June 30, 2005

In December, 1990, the Legislature passed and the Governor signed into law the State Survey and Remonumentation Act, 1990 PA 345, which provided for the remonumentation of the original U.S. public land survey corners that serve as the basis for all public and private property locations in Michigan. Both Act 345 and companion Act 346 that authorized the collection of fee revenue to fund the program became effective on January 1, 1991.

Act 345 created the Survey and Remonumentation Commission within the Department of Labor and Economic Growth (formerly the Department of Consumer and Industry Services). The Department is charged with the responsibility of coordinating "the restoration, maintenance, and the preservation of the land survey records of vertical and horizontal monuments, the public land survey system, and the property controlling corners established by the United States public land survey and by the national geodetic survey within this state..." (Sec. 6a).

The original Commission appointed by the Governor on June 4, 1991 consisted of the following 5 members: Larry Gerschbacher, P.S., of Traverse City as the public member, and Frank DeDecker, P.S., P.E., of Warren as the at-large professional surveyor; Mary Feindt, P.S., of Charlevoix representing the Northern portion of the Lower Peninsula; Donald Gilchrist, P.S., of Paw Paw representing the Southern portion of the Lower Peninsula; and Gerald Carlson, P.S., of Marquette representing the Upper Peninsula.

Executive Order 1996-2 transferred the statutory authority, powers, duties, functions and responsibilities of the Commission from the Department of Commerce to the Director of the Department of Labor and Economic Growth by a Type II transfer. The authority, powers, duties, functions and responsibilities of the Executive Director of the Survey and Remonumentation Commission were transferred to the Director of the Department of Labor and Economic Growth by a Type III transfer, eliminating the Commission's Executive Director. Executive Order 1997-13 eliminated the Survey and Remonumentation Commission effective October 1, 1997.

1998 PA 5 amended Act 345 to allow a county to expedite their program by pre-funding its program and recovering expenditures by reimbursement over time with future grants, if any. Requirements of the expedited remonumentation program are that it: 1) be adopted by the county board of Commissioners consistent with provisions of the State Survey and Remonumentation Act; and 2) designed to complete monumentation and remonumentation of the entire county within a period of 19 years or less from the date the original county plan was first approved by the State Survey and Remonumentation Commission.

Act 345 also requires the Survey and Remonumentation Commission submit an initial report to the Legislature on or before October 1 biennially. The initial report was provided in 1993 and biennially thereafter in 1995, 1997, 1999, 2001, and 2003. This is the seventh biennial report on the State

Survey and Remonumentation grant program and is prepared and submitted in fulfillment of the statutory requirement.

Act 345 specifies that the biennial report include but not necessarily be limited to the following items:

- A summary of the Department's activities regarding administration of this Act.
- An assessment of the progress of the implementation of county monumentation and remonumentation plans throughout the state.
- A statement regarding the amount of money that was received and disbursed from the fund.
- An assessment of how much money is necessary to carry out monumentation or remonumentation of the entire state.
- An assessment of whether the money received in the fund is adequate to implement this Act.
- Recommendations including, but not limited to, the level of funding that is necessary to implement this Act.

This report will address in turn each of these 6 items.

1. Department activities regarding administration of this Act

- a. The Department received, approved and administered county monumentation and remonumentation grant applications and survey work programs from all 83 counties during 1993 through the 2005 grant cycle. The grants are administered in compliance with each county's State Commission-approved county plan, the Act, and the Administrative Rules adopted in 1992.
- b. As required by Section 6(i) of the Act, the Department established a grant program to counties and developed the necessary forms and procedures.
 - 1) All 83 counties submitted an application for grant year 1993, and grants were awarded totaling \$4 million for the first grant year of this program.

- 2) In 1994, all 83 counties submitted an application, and grants were awarded totaling \$5 million.
 - 3) In 1995, all 83 counties submitted an application, and grants were awarded totaling \$3 million. Early in 1995 grant year, Huron County withdrew from the grant program.
 - 4) In 1996, 1997, 1998, and 1999 all 83 counties submitted an application, and grants were awarded totaling \$4 million for each year.
 - 5) In 2000, all 83 counties submitted an application, and grants were awarded totaling \$4.5 million.
 - 6) In 2001, all 83 counties submitted an application, and grants were awarded totaling \$5 million.
 - 7) In 2002 and 2003, all 83 counties submitted an application, and grants were awarded totaling \$6 million each year.
 - 8) In 2004, all 83 counties submitted an application, and grants were awarded totaling \$6 million. Otsego County withdrew from the grant during the year. In the Fall, a \$4 million supplemental appropriation was awarded; however only 79 counties participated in the supplemental grant.
 - 9) In 2005, all 83 counties submitted an application, and grants were awarded totaling \$10 million.
 - 10) The total grant amount proposed for the 2006 grant cycle is \$14 million.
- c. Section 6(d) of the Act requires the Department to *"coordinate the collection and preservation of information obtained from surveys made by persons or organizations authorized to establish monuments or land boundaries..."*

Pursuant to this responsibility, the Department developed and entered into a cooperative agreement with the Michigan Department of Transportation and conducts a similar cooperative effort with the Department of Natural Resources to coordinate relevant work activities and incorporate their survey and monumentation efforts with those conducted by the counties.

- d. Section 6(c) of the Act requires the Department to "*coordinate the extension, densification, and maintenance of the horizontal and vertical control networks initiated by the federal government through the national geodetic survey and the United States geological survey.*"

Pursuant to this responsibility, the Department developed a contract with the National Oceanic and Atmospheric Administration/National Ocean Service/National Geodetic Survey (NOAA/NOS/NGS) to establish High Accuracy Reference Network (HARN) stations in the 51 counties that chose to participate in this national program. The Michigan Department of Consumer and Industry Services served as the single contracting agency with NOAA/NOS/NGS on behalf of the counties. The result of this contract was to have NOAA/NOS/NGS establish 80 stations paid for by Survey and Remonumentation grant funds. These were in addition to the approximately 20 locations paid for and established by NOAA/NOS/NGS as High Accuracy Reference Network (HARN) stations as part of the national program.

- e. The Department is charged with the responsibility to "*coordinate the establishment of geographic information systems*" (title of Act 345). In the furtherance of this responsibility, the Department has participated in the IMAGIN (Improving Michigan's Access to Geographic Information Networks) Data Sharing Network Agreement. The purpose of this cooperative venture is "to develop new methods and standards for geographic data exchange within the State of Michigan and to improve the application of geographic related data in state and local decision-making" (IMAGIN Data Sharing Network Agreement, February 23, 1993). Survey results are available on the Internet to aid in establishment of geographic information systems.
- f. Section 6(f) of the Act requires the Department to "*establish and maintain a data base of information on approved monumented horizontal and vertical control in the state.*" The Department has obtained a computerized record of all current horizontal and vertical control stations within the state from NOAA/NGS. This data was made available to all 83 counties in November 1993. An update of this data was provided to each county in June 1995. Currently, all nationally published data of horizontal and vertical control stations, including updates, is accessible on the Internet.
- g. Section 6(a) of the Act requires the Department to "*coordinate the restoration, maintenance, and the preservation of the land survey records of vertical and horizontal monuments, the public land survey system, and the property controlling corners established by the United States public land survey and by the national geodetic survey within this state.*" In the furtherance of this responsibility, the Department developed a Memorandum of

Understanding with the U.S. Bureau of Land Management, which is the federal agency with the responsibility for the survey of public lands throughout the country. This document establishes a general framework for mutually beneficial cooperative efforts with specific cooperative endeavors being specified in supplements and addenda to the broad Memorandum of Understanding.

In 1993 the Department provided to all counties computerized descriptive data processing system software to allow standardized recovery reporting of horizontal and vertical control stations or the reporting of destroyed marks. Currently, the reporting form for recovery of control stations is filed on the internet, and this data is available for the public.

2. An assessment of the progress of the implementation of county monumentation and remonumentation plans throughout the state

This assessment is based upon the completed reports of the work programs submitted by all 83 counties as part of their annual survey and monumentation grant. A compilation of the results of the survey work programs completed in 1993 through 2005 for each work category is as follows: 1) Number of corners with research and monumentation completed – 84,691; 2) Number of control stations recovered – 1,660; 3) Number of points with coordinates set -8,447; and, 4) Number of HARN stations installed - 80. At this time, reporting of the 2004 and 2005 work programs has not been completed.

Survey and Remonumentation Program grant funds have increased statewide efforts to “densify” the number of continuous operating reference stations (CORS). Currently there are 32 Survey and Remonumentation Program CORS in 16 counties. The data from operating CORS is available on-line to the public.

3. A statement regarding the amount of money received and disbursed from the fund

1990 PA 346 of 1990 (companion to 1990 PA 345) increased the fee for recording an instrument with the county register of deeds and provided that \$2 be remitted to the State Survey and Remonumentation Fund. This fee was increased by 2002 PA 700 and provided \$4 to be remitted to the fund effective March 31, 2003.

As of August 30, 2005, a total of \$79,460,404 plus interest has been deposited into the Fund, and disbursements from the Fund, including encumbrances, through the end of 2004 total \$64,909,866. An additional \$6,000,000 has been committed for FY-2005 grant distribution.

4. An assessment of how much money is necessary to carry out monumentation or remonumentation of the entire state

This assessment is based on information provided by the counties. A compilation of the estimated total cost of remonumentation of public land survey corners by the 83 counties in 2005 indicates that a total of approximately \$232,236,434 is needed.

5. An assessment of whether the money received in the Fund is adequate to implement this Act

Counties are permitted to contribute monies in addition to the annual grant they receive. Between 26 and 30 of Michigan's 83 counties have contributed additional monies totaling \$5,080,423 during the grant years 1995 through 2005. The estimate of county contributions over 20 years is \$9 million.

Also, 2 counties have participated in an expedited program and have contributed a total of \$3,025,287 toward future grant reimbursement, if any.

Based upon the estimate of the total cost of monumentation or remonumentation reported by the counties, it appears that the deposits into the Fund of \$170,000,000 over the 20 years will not be adequate to complete this program as contemplated by the Act (Sec. 8).

And while many counties will be able to complete monumentation and remonumentation within their 20-year plans, most will not. The counties have estimated that \$232,236,434 will be needed to complete their monumentation programs. The projected deposits to the Fund plus county contributions over the 20-year period total \$179,000,000.

6. Department Recommendations

Because the above assessment indicates that the money received in the State Survey and Remonumentation fund will not be adequate to complete the program within 20 years, it is recommended that the Department host a work group of county representatives and other interested persons to explore future options.